

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
07-CV-1963(JMR/RLE)

Wayne Zych, Michael Currence,)
Whempner Brothers, Sisseton)
Livestock, Inc., Carson)
Larson, Marion Blom, Gregory)
A. Jensen, Fredin Brothers,)
Inc., Keith Kvistero, and)
Roger Stotts)
)
v.) ORDER
)
National Beef Packing)
Company, L.L.C.)

This matter is before the Court for consideration of the Report and Recommendation issued by the Honorable Raymond L. Erickson, United States Chief Magistrate Judge, on December 3, 2009 [Docket No. 172]. Defendant timely filed objections pursuant to Local Rule 72.2.

Based on a de novo review of the record, the Court adopts the Magistrate's Report and Recommendation.

Accordingly, IT IS ORDERED that defendant's motion for summary judgment [Docket No. 139] is granted in part and denied in part. Summary judgment is granted as to the claims based upon apparent agency, but denied as to the claims based upon actual agency.

Dated: February 3, 2010

s/ JAMES M. ROSENBAUM
JAMES M. ROSENBAUM
United States District Judge